

**255-25 Agricultural Uses Accessory to Residential Use**

**Amendment to Repeal and Replace § 255-25 Agricultural, Horticultural and Floricultural Uses in its entirety – Replace with “Agricultural Uses Accessory to Residential Use”**

To see if the Town will vote to amend the Zoning Bylaw by repealing the existing provisions of §255-25 in their entirety and inserting in its place, the following:

**§ 255-25 Agricultural Uses Accessory to Residential Use**

A. Applicability.

- (1) Accessory to residential uses. Agricultural uses may be conducted as accessory to residential uses when not exempt from zoning as provided in the subsections below.
- (2) Exempt agricultural uses. Agricultural uses exempt from zoning may be conducted subject to reasonable regulations provided in the subsections below and in § 255-26.

B. Unless the agricultural use meets the definition of “Agricultural Uses, Exempt”, the keeping and raising of Livestock are prohibited in all districts except “Agricultural”. This prohibition applies whether raised for table or other purposes; but shall not apply to “Domesticated pets”.

- (1) Exceptions, consistent with standards as outlined herein:
  - (a) Keeping of poultry are allowed in the Agricultural and Residence A-1 zoning districts, consistent with the standards in § 255-25C.
  - (b) Equine Livestock – The keeping of horses and ponies are allowed in the Agricultural, Residence A-1, Residence A-2, and Residence B zoning districts on parcels with a minimum size of two (2) acres, consistent with the standards in § 255-25D.
  - (c) Non-Equine Livestock – The keeping of non-equine livestock are allowed in the Agricultural zoning district on parcels with a minimum size of two acres, consistent with the standards in § 255-25E.

C. The keeping of poultry accessory to residential uses is restricted to a small flock subject to the following restrictions:

- (1) Limited to use of the resident occupant only.
- (2) The flock shall be confined in an enclosure not less than 25 feet from any lot line and not less than 25 feet from any building used for human habitation, on or off premises.
- (3) For the purpose of this bylaw, a "small flock" shall mean and shall not exceed

one unit of poultry to each 500 square feet of lot area but in no case more than 12 such units on any lot.

- (4) The building and enclosure footprint for the keeping of poultry permitted herein shall not exceed 1/20 of the area of the lot on which it is located, and any building so used shall be limited to one story in height, not to exceed 10'.
- (5) The use of such enclosure or building for the keeping of poultry shall be accessory to a dwelling existing on the same lot.
- (6) The keeping and raising of roosters is prohibited in all zoning districts.

D. Equestrian Uses Accessory to residential use. Equine is herein defined as horses and ponies only. The keeping of horses and/or ponies and a private stable, for personal use, are permitted as accessory to residential uses in districts Agricultural, Residence A-1, and Residence A-2 zoning districts on a lot not less than 2 acres in area; subject to the following conditions:

- (1) The minimum acreage required for one horse, pony or stable shall be 32,500 square feet. One additional horse or pony shall be permitted for each 15,000 square feet over the minimum of 32,500 square feet of usable land area, not including the square footage for principal and accessory buildings. Foals under six months are not counted.
- (2) The location of the stable shall be not less than 100 feet from any street line, and not less than 30 feet from any side lot line, and not less than 25 feet from a rear lot line, and not less than 40 feet from any dwelling.
- (3) The area to be used for the keeping of horses and/or ponies shall have adequate fencing to contain the animal(s) within the property boundaries.
- (4) Stables, corrals and yards shall be properly drained and reasonably free from excessive odor, dust and mud, so as not to create a nuisance or health hazard, to the community or to surrounding property owners, from an air or drainage pollution standpoint.
- (5) Maintenance of the stable and property used in the keeping of horses and/or ponies shall conform to all regulations of the local Board of Health and state health authorities.

E. Non-Equine Livestock Uses Accessory to Residential Use.

- (1) The minimum acreage required for one animal or barn shall be 32,500 square feet. One additional animal shall be permitted for each 15,000 square feet over the minimum of 32,500 square feet of usable land area, not including the

square footage for principal and accessory buildings. Animals under six months are not counted.

- (2) The location of the barn shall be not less than 100 feet from any street line, and not less than 30 feet from any side lot line, and not less than 25 feet from a rear lot line, and not less than 40 feet from any dwelling.
- (3) The area to be used for the keeping of animals shall have adequate fencing to contain the animal(s) within the property boundaries.
- (4) Barns, corrals and yards shall be properly drained and reasonably free from excessive odor, dust and mud, so as not to create a nuisance or health hazard, to the community or to surrounding property owners, from an air or drainage pollution standpoint.
- (5) Maintenance of the barn and property used in the keeping of animals shall conform to all regulations of the local Board of Health and state health authorities.

F. Greenhouses. The following regulations apply except when operated as accessory to a residential use:

- (1) Greenhouses are allowed for personal use on parcels in the Agricultural, Residence A-1, Residence A-2, Residence B, and Residence C Districts or as part of a residential development in any zoning district and shall not be conducted as a business.
- (2) In any residential or agricultural zoning district, any greenhouse heating plant shall be located at least 20 feet from any lot line.
- (3) Location of a greenhouse shall meet the accessory dimensional standards for the zoning district.
- (4) Greenhouse lighting shall not trespass onto abutting properties, and is prohibited between 9PM and 6AM.

G. Site Plan Review not applicable to Uses/Facilities Accessory to Residential uses.

When an agricultural use/facility (such as, but not limited to, coop, dovecote, hutch, shed, shelters, barns, greenhouses) provided for in § 255-25 is accessory to the residential use of the property on which the facility is to be located, the accessory agricultural use/facility is not subject to Site Plan Review, provided it meets the standards herein..

H. Except when operated as part of an Agriculturally exempt activity, agricultural uses on parcels in Residential zoning districts are only permitted to be accessory to residential uses located on the same parcel.

- (1) For the purposes of this § 255-25H, contiguous parcels owned in common are to be construed as one parcel. Similarly, parcels owned in common but separated by a roadway are to be construed as one parcel.

- (2) Such agricultural uses including growing of a garden, utilization of a greenhouse, and the raising of livestock and crops are to be primarily for the property occupant's personal use. However, such crops or products from such agricultural uses may be offered for sale from a "nonexempt Farm Stand" if such Farm Stand is permitted in accordance with § 255-26.
- (3) Where a residential use is located in other zoning districts whether permitted or nonconforming, the provisions of this § 255-25 shall apply to conducting such agricultural use as accessory to the residential use with a finding from the Planning Board that it meets the bylaw standards.

#### I. Household Pets

- (1) The raising or keeping of household pets solely for enjoyment, comfort, and use by residents of the premises shall be considered as an accessory use to residential uses.
- (2) Raising and keeping of household pets shall not be for commercial purposes in residential zoning districts unless undertaken as part of an exempt agricultural use in conformity with § 255-26.
- (3) The keeping of household pets shall adhere to the provisions of Chapter 194 of the Town of South Hadley General Bylaws.
- (4) A reasonable amount of yard space or access to public space is to be provided for the household pets exercise and other outdoor activities.
- (5) Outside yard space used for household pets shall be enclosed by a secure enclosure or fencing adequate to contain the animals on the property owned by the persons keeping such animals.
- (6) Fencing used for the purpose of securing household pets on the premises is not required to meet the fencing specifications of § 255-32 "Fences or walls in residential districts".
- (7) Fencing used for the purpose of securing household pets on the premises must not obstruct the view of traffic.
- (8) The keeping of wild animals, exotic birds, fish, reptiles, and amphibians as pets is subject to the requirements of M.G.L. Ch. 131, Sections 23, 25 and 26A, as amended, and 321 CMR 2.12 and 9.01, as amended.

#### J. Compliance with applicable regulations and licensing requirements.

- (1) Keeping any livestock including but not limited to household pets, requires compliance with all applicable regulations and licensing requirements. Such regulations and requirements include, but may not be limited to, the requirements of the South Hadley Board of Health.
- (2) Persons keeping such livestock and/or household pets shall permit regular inspections by the Public Health Director, Animal Welfare Officer, and their designated agents/representatives under applicable state and local law or regulations.

- (3) In all cases, the accessory keeping and raising of livestock or poultry shall require registration of said livestock or poultry with the Health Department in accordance with the Board of Health Rules and Regulations.
- (4) Failure to comply with any applicable local or state regulations and requirements would be a violation of the South Hadley Zoning Bylaw as well as any other applicable bylaw, law, or regulation, including local Board of Health regulations.